

*U.S. Patent Application Serial No. 10/710,589  
Response to Office Action of June 6, 20008*

**REMARKS**

The § 103 rejection over Aigner in view of Yao is maintained, and traversal thereof is also respectfully maintained. The amendments are supported as discussed below. New claim 19 is supported in paragraphs 0068 and 0069 and Figs. 6A-6C, and is patentable for the reasons below.

**“Island.”** The Applicants previously argued that element 11 was not an island (the Examiner had not identified what element of Aigner’s Fig. 1 was asserted to be the island, and the Applicants guessed element 11). The Examiner now states that element 20 is an island. This is “an electrically insulating layer 20” (col. 3, line 44) which is used to attach the contact electrodes 31, 32 (col. 5, line 28).

**Amended Claim 7.** Amended independent claim 7 now recites that the stationary member includes a stationary surrounding part and a plurality of stationary island parts each of which is connected to the base substrate and corresponds to a respective one of the first and second stationary contact electrodes, and the stationary island parts are spaced away from one another, from the stationary surrounding part, and from the movable portion via slits extending along the stationary island parts and the movable portion.

The underlined new limitations are clearly supported by Figure 2 wherein the stationary member (fixing member 120) is shown to include a stationary surrounding part which is spaced from the stationary island parts 121 and the movable portion 110 via slits 141, 142 (see ¶ 0080) extending along the stationary island parts and the movable portion.

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"Island" is defined as "something ... isolated [from] others" (Random House Dictionary) and should be interpreted as an element isolated from a surrounding element by, e.g., some space.

**Layer 20.** In rejecting former claim 7, the Examiner equates the insulating layer 20 of Aigner with the claimed "island part."

The Examiner asserts that it would have been obvious to separate the layer 20 into islands, apparently assuming that the layer 20 extends over the entire surface seen in Figs. 2 and 4. However, the drawing implies that the layer 20 exists only underneath the electrodes 31 and 32 (it appears that insulation would not be needed elsewhere). The Examiner is invited to note that "20" does not appear in Figs. 2 or 4, only in Figs. 1 and 3, and also to note that in Figs. 2 and 4 the surface is labeled as "2," arguably indicating that the insulating layer 20 does *not* extend beyond the base of the electrode to cover layer 2 (i.e., layer 20 is covered by the electrode and not visible in Fig. 2; layer 2 is).

The insulating layer 20 can be interpreted as part of the electrodes 31 and 32, without which it would not be needed and would not exist. Alternatively, it might be considered as part of the base 2. In either of these cases there is no anticipation.

A third possibility is that four distinct layers 20 (surmised above) are considered as elements unto themselves. In this third case, however, they cannot anticipate the Applicants' claimed "plurality of stationary island parts each of which is connected to the base substrate and corresponds to a respective one of the first and second stationary contact electrodes, the stationary island parts being *spaced away from* one another, spaced

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away from *the stationary surrounding part*, and spaced away from the movable portion via *slits* extending along the stationary island parts and the movable portion."

(1) The stationary surrounding part, identified in the rejection with elements 2 or 11, is in direct contact with the element or elements 20, rather than "spaced apart" from it, and therefore the element or elements 20 do not anticipate amended claim 7.

(2) The layer 20 is not connected to the base substrate.

(3) There are no slits in the references.

**New Claim 19.** New claim 19 is not anticipated. Aigner's Figs. 1 and 3 clearly show that the layer 20 is at a higher elevation than the frame 2, which rests on top of the frame 11.

**Yao.** US Patent No. 5,578,976 to Yao discloses a driving electrode (top electrode) 24 provided on the upper surface of the cantilever arm 20 that is directed opposite to the base substrate 12. However, two stationary contact electrodes 18 are formed directly on the base substrate 18, and there is no island that supports the stationary contact electrodes 18.

Yao, like Aigner, fails to disclose the features now recited. Therefore, no combination of the references (not admitted obvious) could reach the instant claims.

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In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

Respectfully submitted,

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